

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KEVIN D. MCGEE,

Petitioner,

v.

DAVID SCHMITT,

Respondent.

No. 4:17-CV-1490 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court sua sponte. On April 28, 2017, this Court received several documents from the Clerk of the Circuit Court of St. Francois County, Vicki J. Weible. The documents were filings sent to the Clerk of St. Francois County from petitioner, Kevin D. McGee. Several of the documents from Mr. McGee were dated January 30, 2017, although some of the letters included in the filings were dated and stamped “received” or “filed” by St. Francois County Court even earlier.

In the letter received from St. Francois County Clerk’s Office, the Deputy Clerk of Court indicated that “several filings from [petitioner] were incorrectly sent to our Court.” However, a brief reading through the documents forwarded to our Court indicates that the documents written by petitioner were meant for filing in St. Francois County Court.

For example, petitioner references several St. Francois County issues in the documents that were sent to our Court: (1) in the first document, petitioner references the Clerk of St. Francois County Court, Ms. Vicki Weible; (2) in the second page of the documents received, petitioner references state court Judge Goef; (3) in his motion to amend his complaint petitioner names Ms. Vicki Weible as a defendant and states that he is bringing his action in the 24<sup>th</sup>

Judicial Circuit; (4) in his motion to amend his complaint, petitioner mentions a \$95 filing fee (whereas the Federal Court maintains a \$400 filing fee); and (5) in his December 31, 2016 letter to Ms. Weible he states, "I have written several letters to your office...and..I mailed also 3 times a petition for a writ of habeas corpus & evidentiary hearing...you are hindering my rights of due process".

As a result, the Court will send the originals back for filing in St. Francois County Court. This Court is hopeful that St. Francois County will afford petitioner the benefit of the original filing date for his pleadings.

Accordingly,

**IT IS HEREBY ORDERED** that, in addition to a copy of this Memorandum and Order, the Clerk of Court shall return to the Clerk of Court of St. Francois County the original documents received from St. Francois County contained in Docket No. 4. The Clerk should retain a copy of these documents in its pro se document repository for filing in this action.

Dated this 21<sup>st</sup> day of June, 2017.

  
\_\_\_\_\_  
RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE